

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LONNIE PRATHER,)	CASE NO.: 1:06CV765
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
v.)	<u>ORDER AND DECISION</u>
)	
STUART HUDSON, WARDEN,)	
)	
Respondent.)	
)	

This matter comes before the Court on Objections and Exceptions to the Magistrate Judge’s Report and Recommendation by the Petitioner, Lonnie Prather (“Petitioner”). This action was referred to Magistrate Judge Kenneth S. McHargh for a Report and Recommendation (“Report”) on the Petition for Habeas Corpus. The Magistrate found all nine (9) of Petitioner’s grounds for relief not well taken and recommended that this Court dismiss the action with prejudice. Petitioner timely filed objections to the Report. The Federal Magistrates Act requires a district court to conduct a *de novo* review of those portions of the Report to which an objection has been made. 28 U.S.C. §636(b)(1). The Court has been advised, having reviewed the Petition, Respondent’s Return of Writ, Petitioner’s Traverse and Brief, Transcript, the Report, Petitioner’s Objections thereto, exhibits and applicable law.

Having considered *de novo* those portions of the Magistrate’s Report to which objection is made by the Petitioner, it is determined that there are no factual disputes which would warrant a hearing. Further, after a *de novo* review of the record in light of Petitioner’s objections, this Court agrees with the conclusions of the Magistrate Judge

and adopts the report and recommendation as its own. Therefore, the Report by the Magistrate Judge is ADOPTED IN WHOLE and the findings of fact and conclusions of law are fully incorporated by reference herein. As such, the Petition for Habeas Corpus is hereby DISMISSED with prejudice. No further articulation of the Court's reasoning need be provided. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 28, 2007

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT